



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,409	05/24/1999	SCOTT D. LUCAS	1590.3039	9060
8015	7590	04/13/2006	EXAMINER	
CYTEC INDUSTRIES INC. 1937 WEST MAIN STREET P.O. BOX 60 STAMFORD, CT 06904-0060			BEFUMO, JENNA LEIGH	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/317,409	<b>Applicant(s)</b> LUCAS ET AL.	
	<b>Examiner</b> Jenna-Leigh Befumo	<b>Art Unit</b> 1771	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 31 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 55,57-59,88 and 89.

Claim(s) withdrawn from consideration: 1-12,39-46,60-76 and 87.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

Jenna-Leigh Befumo

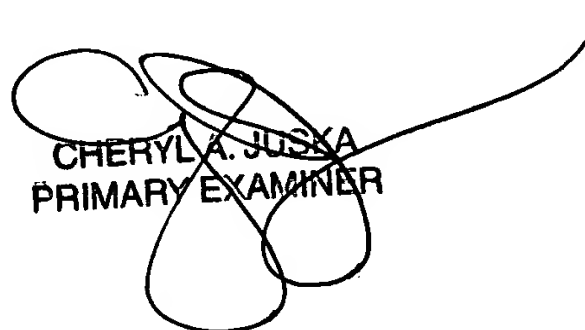


Continuation of 11. does NOT place the application in condition for allowance because:

The applicant argues that the prior art is drawn to honeycomb cores which include an erosion strip (response page 11 - 13). However, the applicant's claims do not exclude this sort of honeycomb structure. In fact, the applicant argues the invention is drawn to all types of honeycomb structures. Thus, the honeycomb layup in the prior art is not excluded by the claims. Therefore, the fact that the prior art is more specific or has additional components is not sufficient to overcome the rejection. Further, the fact that the goal of Kain, Jr. is to prevent slippage between the core and the prepreg plies does not mean that slippage between the prepreg plies is not also prevented. In other words, the fact that the applicant recognized an additional property or advantage from a structure taught by the prior art does not render the invention patentable.

Also, the applicant argues that the prior art teaches using a general prepreg ply adjacent the honeycomb core (response, page 12 - 13). It is agreed that this is indeed what is taught in Kain, Jr. Hence, this layer corresponds to the applicant's second prepreg layer which is between the core and the stiffness treated ply. Further, the applicant claims the presence of a stiffness treated prepreg ply which comprises a stiffness treated fabric (i.e., a layer having a plurality of fibers and a polymerized stiffening material) and a resin system. Kain, Jr. teaches that the outer skin layers are made from prepreg plies comprising a fibrous fabric layer and a polymeric coating which inherently stiffens the fabric material. Further, this layer is adjacent an adhesive layer, this corresponds to the applicant's resin layer. Hence, the two layers taught by Kain, Jr., i.e., the prepreg ply adjacent the adhesive layer, correspond to the applicant's stiffness-treated prepreg ply, as defined in the claims, which comprise a stiffness treated fabric and a resin system.

Finally, with regards to the frictional resistance limitation, the applicant argues that this feature has not been shown to be inherent (response, pages 13 - 14). However, this feature is considered to be inherent to the laminate taught by Kain, Jr. because Kain, Jr. discloses the same structural features recited in the claim. Since the prior art has the same structural features as the claimed invention, then the burden has been shifted to the applicant to provide evidence showing that this feature is not inherent (see MPEP § 2112). Therefore, the applicant's arguments cannot take the place of evidence and the applicant is required to provide evidence showing that this feature is not inherent to the prior art. Thus, the rejection is maintained..

  
CHERYL A. JUSKA  
PRIMARY EXAMINER